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Fax Number: 703-872-9306

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From: James M. Graziano

Sender's Direct Line: (303) 894-6113

Date: December 23, 2004

Client Number: 013217.0127C1US

Comments:

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Please see attached REQUEST TO WITHDDRAW HOLDING OF
ABANDONMENT for Serial No. 09/560,294

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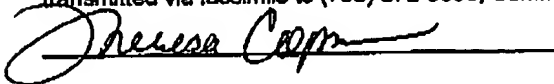
DEC 23 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Patent Application of Georgene M. Nielsen)	Group Art Unit: 2684
Serial No.: 09/560,294) Examiner: Lana N. Le
Filed: April 27, 2000) Docket No.: Nielsen 3
For: System for Load Balancing Based on Class of Service for Wireless) (13217.127C1US)
Communication Networks)

Certificate of Facsimile Under 37 CFR 1.8

I hereby certify that this correspondence, along with all papers referred to as being enclosed or attached, are being transmitted via facsimile to (703) 872-9306, Commissioner for Patents, Alexandria, VA 22313-1450.

12-23-04
Date

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

REQUEST TO WITHDRAW HOLDING OF ABANDONMENT

Dear Sir:

We received a Notice of Abandonment dated 14 December 2004 in the above-referenced application. This holding of abandonment is in error and we are respectfully requesting that this holding be immediately withdrawn and that the patent application be given expedited examination in light of the delay caused by this error. Further, this request is timely filed as it is being faxed today to the USPTO, which is within two weeks from the date of the Notice of Abandonment from which relief is being requested. See 37 C.F.R. 1.181(f).

The facts that support this request are as follows. Our office received a First Office Action ("Office Action") from the USPTO dated 14 August 2002 setting forth a three-month shortened statutory period in which to reply. Three months from this date is 14 November 2002. On 22 October 2002 our office faxed a reply to this Office Action to fax number 703 872-9314 which is the fax number for the Commissioner of Patents. Therefore the response to the office action should be considered as timely filed within the three-month shortened statutory period see 37 C.F.R. §1.7(a). On the same day a confirmation was received from the United States Patent and Trademark Office indicating receipt of this successful fax transmission at 4:58 EDT, copy enclosed.

Serial No. 09/560,294
Page 1 of 2
207991v1

Lynn Graziano

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p. 3

We received the Notice of Abandonment on 16 December 2004 (Notice of Abandonment mailing date 14 December 2004).

Enclosed is a copy of the Amendment and Remarks faxed on October 22, 2002.

Therefore, the Notice of Abandonment was issued in error and we respectfully request that the holding of abandonment be immediately withdrawn and that the present application be given expedited examination due to the delay caused by this error.

Respectfully submitted,

PATTON BOGGS LLP

Dated: 12/23/04

By: James M. Graziano

James M. Graziano
Reg. No. 28,300
(303) 894-6113 direct telephone
(303) 894-9239 fax

Customer No. 24283

Serial No. 09/560,294
Page 2 of 2
207991v1

10/22/02 17:11:29

USPTO->

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Page 001

TO:Auto-reply fax to 3033791155 COMPANY:

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UNITED STATES
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TO:

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Cover
Page

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PATTON BOGGS	Fax: 3033791155	Oct 22 2002 14:56	P.01
PATTON BOGGS LLP ATTORNEYS AT LAW		657 Coal Creek Circle June 200 Louisville KY 40007-4700 (502) 379-1100 Facsimile (502) 379-1155	
To: US Patent and Trademark Office Art Unit: 2659 Examiner: Lo, Lana M. Serial No.: 08/560,294			
Fax Number: 703-572-9314 Phone Number: 703-406-5836			
Total Pages including Cover: 11			
From: James Graziano, by Nancy Forwillgar Sender's Direct Line: 303-379-1113 Date: October 22, 2002 Client Number: 13217.127C1US (128) (Nelson 3)			
Comments:			
ANCHORAGE BOULDER DALLAS DENVER NORTHERN VIRGINIA WASHINGTON, D.C.		The attached Amendment and Remarks is in Response to Office Action dated 08/14/02 re: Patent Application of Georgene M. Nielsen Serial No. 08/560,294 Filed 04/27/2000 For: SYSTEM FOR LOAD BALANCING BASED ON CLASS OF SERVICE FOR WIRELESS COMMUNICATION NETWORKS	
<small> Confidentiality Note: The documents described herein are submitted under the provisions of 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). The information is intended only for the use of the recipient or entity named on the transmittal sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this document is strictly prohibited, and that the documents should be returned to the Patent Office immediately. If you have received this transmittal in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at no cost to you. </small>		<small> If you did not receive all of the pages or find that they are illegible, please call (303) 379-1100. </small>	
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PATTON BOGGS LLP
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To: US Patent and Trademark Office
Art Unit: 2684
Examiner: Le, Lana N.
Serial No.: 09/560,294

Fax Number: 703-872-9314

Phone Number: 703-308-5836

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From: James Graziano, by Nancy Terwilliger

Sender's Direct Line: 303-379-1113

Date: October 22, 2002

Client Number: 13217.127C1US (.128) (Nielsen 3)

Comments:

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The attached Amendment and Remarks is in Response to Office Action dated 08/14/02 re:

Patent Application of Georgene M. Nielsen

Serial No. 09/560,294

Filed 04/27/2000

For: SYSTEM FOR LOAD BALANCING BASED ON CLASS OF SERVICE FOR WIRELESS COMMUNICATION NETWORKS

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